

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

3 Valuation of Security 0 Assumption of Executory Contract or Unexpired Lease 0 Lien Avoidance

Last revised: December 1, 2017

**UNITED STATES BANKRUPTCY COURT
New Jersey**

In Re: **Kathleen Covel Duhaney Pearce**

Case No.: **13-36007**
Judge: _____

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

Original
 Motions Included

1st Modified/Notice Required
 Modified/No Notice Required

Date: **7/17/2018**

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

DOES DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

DOES DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

DOES DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney **MG**

Initial Debtor: **KCD**

Initial Co-Debtor

Part 1: Payment and Length of Plan

a. The debtor has paid in \$149,121 though June, 2018. Starting July, 2018 debtor will pay **\$2,900 for 5 months**.

b. The debtor shall make plan payments to the Trustee from the following sources:

Future Earnings
 Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

Sale of real property
Description:
Proposed date for completion: _____

Refinance of real property:
Description:
Proposed date for completion: _____

Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____

d. The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

NONE

a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Marie Ann Greenberg, Trustee	administrative fees	unknown
Goldman & Beslow, LLC	attorney fees	\$3,839.00

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

None
 The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
Amerifirst Home Improvement	27 Baldwin Avenue Newark, NJ 07108	\$14,579	\$115,000.00	\$318,698	0	n/a	pro-rata
Specialized Loan Service	27 Baldwin Avenue Newark, NJ 07108	\$318,698	\$115,000.00	n/a	\$115,000.00	4.25	\$127,860

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C. 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan NONE

The following secured claims are unaffected by the Plan:

Creditor

New City Funding Corp.

g. Secured Claims to be Paid in Full Through the Plan NONE

Creditor	Collateral	Total Amount to be Paid through the Plan

Part 5: Unsecured Claims NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

Not less than \$____ to be distributed *pro rata*
 Not less than ____ percent
 Pro Rata distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service*, *Notice of Chapter 13 Plan Transmittal* and *valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
Amerifirst Home Improvement	3 Family House 27 Baldwin Avenue Newark, NJ 07108	\$14,579	\$115,000.00	\$318,698	0	entire lien

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
Specialized Loan Servi	3 Family House 27 Baldwin Avenue Newark, NJ 07108	\$318,698	\$115,000.00	\$115,000.00	\$203,698

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- Upon Confirmation
- Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims

6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee is, is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 12/16/13.

Explain below why the plan is being modified: <u>to make plan feasible</u>	Explain below how the plan is being modified: <u>By Reducing Trustee payment</u>
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Are Schedules I and J being filed simultaneously with this Modified Plan? Yes No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

NONE

Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date 07/17/2018

/s/Mark Goldman

Mark Goldman, Esq. 8019

Attorney for the Debtor

Date: 07/17/2018

/s/Kathleen Pearce

Kathleen Covel Duhaney Pearce

Debtor

Date: _____

Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date 07/17/2018

/s/Mark Goldman

Mark Goldman, Esq. 8019

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 07/17/2018

/s/Kathleen Pearce

Kathleen Covel Duhaney Pearce

Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 7 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Kathleen Covel Duhaney Pearce
 Debtor

Case No. 13-36007-RG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 32

Date Rcvd: Jul 24, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 26, 2018.

db +Kathleen Covel Duhaney Pearce, 27 Baldwin Avenue, Newark, NJ 07108-1506
 aty +Dean R. Prober, Prober & Raphael, A Law Corporation, 20750 Ventura Boulevard, Suite 100, Woodland Hills, CA 91364-6207
 cr +Wells Fargo Bank, Robertson, Anschutz & Schneid, P.L.,, 6409 Congress Ave, Suite 100, Boca Raton, FL 33487-2853
 514499477 +ALTAIR OH XIII, LLC, C O WEINSTEIN, PINSON, AND RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 514386268 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank Of America, Attention: Recovery Department, 4161 Piedmont Pkwy., Greensboro, NC 27410)
 514386269 +Bank of America, Attn: Correspondence Unit/CA6-919-02-41, Po Box 5170, Simi Valley, CA 93062-5170
 514386275 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034
 (address filed with court: Citibank Usa, Citicorp Credit Services/Attn:Centralize, Po Box 20507, Kansas City, MO 64195)
 514386274 +Chase, P.o. Box 15298, Wilmington, DE 19850-5298
 514386276 +Citibank Usa, Po Box 6497, Sioux Falls, SD 57117-6497
 514386277 +Ladd Duhaney, 27 Baldwin Avenue, Newark, NJ 07108-1506
 514386280 +New City Funding Corp., 146 South Liberty Drive, Unit 11B, Stony Point, NY 10980-2454
 514420702 +New City Funding Corp., 146 South Liberty Drive, Unit 11B, P.O. Box 121, Stony Point, NY 10980-0121
 514386287 +Specialized Loan Servi, 8742 Lucent Blvd.#300, Highlands Ranch, CO 80129-2386
 514386285 +Specialized Loan Servi, Attn: Bankruptcy, 8742 Lucent Blvd. Suite 300, Highlands Ranch, CO 80129-2386
 514386292 ++WELLS FARGO BANK NA, WELLS FARGO HOME MORTGAGE AMERICAS SERVICING, ATTN BANKRUPTCY DEPT MAC X7801-014, 3476 STATEVIEW BLVD, FORT MILL SC 29715-7203
 (address filed with court: Wells Fargo Hm Mortgag, 8480 Stagecoach Cir, Frederick, MD 21701)
 516269600 +Wells Fargo Bank, N.A. as Trustee for Banc, Nationstar Mortgage, PO Box 619096, Dallas, TX 75261-9096
 516269601 +Wells Fargo Bank, N.A. as Trustee for Banc, Nationstar Mortgage, PO Box 619096, Dallas, TX 75261-9741, Wells Fargo Bank, N.A. as Trustee for Ba, Nationstar Mortgage 75261-9096
 516684150 +Wells Fargo Bank, National Association, Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Jul 24 2018 23:31:03 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jul 24 2018 23:30:58 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
 514386264 E-mail/Text: bnc@trustamerifirst.com Jul 24 2018 23:30:49 AmeriFirst Home Improvement Finance, 11171 Mill Valley Rd., Omaha, NE 68154
 514386266 E-mail/Text: bnc@trustamerifirst.com Jul 24 2018 23:30:49 AmeriFirst Home Improvement Finance, 4405 S 96th Street, Omaha, NE 68127
 514479724 E-mail/PDF: EBN_AIS@AMERICANINFO SOURCE.COM Jul 24 2018 23:35:15 American InfoSource LP as agent for, Verizon, PO Box 248838, Oklahoma City, OK 73124-8838
 514414164 E-mail/PDF: EBN_AIS@AMERICANINFO SOURCE.COM Jul 24 2018 23:35:15 American InfoSource LP as agent for, Midland Funding LLC, PO Box 268941, Oklahoma City, OK 73126-8941
 514386272 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jul 24 2018 23:34:20 Capital 1 Bank, Attn: Bankruptcy Dept., Po Box 30285, Salt Lake City, UT 84130-0285
 514386273 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jul 24 2018 23:35:00 Capital 1 Bank, Pob 30281, Salt Lake City, UT 84130-0281
 514386278 +E-mail/Text: bankruptcypdt@mcmc.com Jul 24 2018 23:30:57 Midland Funding, 8875 Aero Dr Ste 200, San Diego, CA 92123-2255
 514684110 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 24 2018 23:35:05 Portfolio Recovery Associates, LLC, c/o Capital One, POB 41067, Norfolk VA 23541
 514684165 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 24 2018 23:33:45 Portfolio Recovery Associates, LLC, c/o Chase Bank Usa, N.a., POB 41067, Norfolk VA 23541
 514455824 +E-mail/Text: bankruptcy@senexco.com Jul 24 2018 23:29:53 SENEX SERVICES CORP, 3333 FOUNDERS RD, 2ND FLOOR, INDIANAPOLIS, IN 46268
 514386283 +E-mail/Text: bankruptcy@senexco.com Jul 24 2018 23:29:53 Senex Services Corp, 333 Founds Rd, Indianapolis, IN 46268
 514386289 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Jul 24 2018 23:29:50 Verizon, 500 Technology Dr Ste 30, Weldon Spring, MO 63304-2225

TOTAL: 14

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 32

Date Rcvd: Jul 24, 2018

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
514386267* ++AMERIFIRST HOME IMPROVEMENT FINANCE, 11171 MILL VALLEY ROAD, OMAHA NE 68154-3933
(address filed with court: AmeriFirst Home Improvement Finance, 4405 S 96th Street,
Omaha, NE 68127)
514386265* ++AMERIFIRST HOME IMPROVEMENT FINANCE, 11171 MILL VALLEY ROAD, OMAHA NE 68154-3933
(address filed with court: AmeriFirst Home Improvement Finance, 11171 Mill Valley Rd.,
Omaha, NE 68154)
514386270* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank Of America, Po Box 982235, El Paso, TX 79998)
514386271* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank of America, 4161 Piedmont Pkwy, Greensboro, NC 27410)
514386279* +Midland Funding, 8875 Aero Dr Ste 200, San Diego, CA 92123-2255
514386284* ++SENEX SERVICES CORP, 3333 FOUNDERS ROAD, 2ND FLOOR, INDIANAPOLIS IN 46268-4932
(address filed with court: Senex Services Corp, 333 Founds Rd, Indianapolis, IN 46268)
514386288* +Specialized Loan Servi, 8742 Lucent Blvd.#300, Highlands Ranch, CO 80129-2386
514386286* +Specialized Loan Servi, Attn: Bankruptcy, 8742 Lucent Blvd. Suite 300,
Highlands Ranch, CO 80129-2386
514386290* +Verizon, 500 Technology Dr Ste 30, Weldon Spring, MO 63304-2225
514386291* +Verizon, 500 Technology Dr Ste 30, Weldon Spring, MO 63304-2225
514386282 ###Pentagroup Financial, 5959 Corporate Dr, Houston, TX 77036-2311
514386281 ###Pentagroup Financial, 5959 Corporate Dr., Suite 1400, Houston, TX 77036-2311
TOTALS: 0, * 10, ## 2

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 26, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on July 18, 2018 at the address(es) listed below:

Clifford B. Frish on behalf of Debtor Kathleen Covell Duhaney Pearce yrodriguez@goldmanlaw.org,
cfrish@goldmanlaw.org;yrodriguez.knight29@gmail.com;ecf-control@goldman-beslow.com;r64764@notify.
bestcase.com
David G. Beslow on behalf of Debtor Kathleen Covell Duhaney Pearce yrodriguez@goldmanlaw.org,
yrodriguez.knight29@gmail.com;ecf-control@goldman-beslow.com;r64764@notify.bestcase.com
Denise E. Carlon on behalf of Creditor NATIONSTAR MORTGAGE LLC dcarlon@kmllawgroup.com,
bkgroup@kmllawgroup.com
Laura M. Egerman on behalf of Creditor Wells Fargo Bank bkyecf@rasflaw.com,
bkyecf@rasflaw.com;legerman@rasnj.com
Marie-Ann Greenberg magecf@magtrustee.com
Mark Goldman on behalf of Debtor Kathleen Covell Duhaney Pearce yrodriguez@goldmanlaw.org,
yrodriguez.knight29@gmail.com;ecf-control@goldman-beslow.com;r64764@notify.bestcase.com
TOTAL: 6